

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARK A. LEWIS,

Plaintiff,

v.

TERMINAL RAILROAD ASSOCIATION
OF ST. LOUIS,

Defendant.

Case No. 10-cv-788-JPG

MEMORANDUM AND ORDER

This matter is before the Court on the plaintiff's motion to dismiss without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) (Doc. 15). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal. There being no objection from the defendant, the Court **GRANTS** the motion (Doc. 15), **DISMISSES** this case **without prejudice** and **DIRECTS** the Clerk of Court to close the case.

IT IS SO ORDERED.

DATED: February 22, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE